

Minutes of the EMC General Meeting June 11, 2008

Present: Cliff Babson, Carol Chock, Kenny Christianson, John Dennis, Herb Engman, Martha Ferger, Neha Khanna, Kariann Mackie-Cunningham, Stan Marcus, Michael Miles, Steve Nicholson, Amy Risen, Roger Segelken, Annie Skoler, Gary Stewart, Marissa Weiss, Mark Whitmore, Roger Yonkin
Excused: Glynn Bebee, Lara Kimber, Dan Lamb, Larry Sallinger, Larry Sharpsteen, Jacie Spoon, Lucia Tyler
Absent: Ashley Miller, Hank Spencer
Associates: Joyce Gerbasi, Peter Harriott, Dooley Kiefer
Guests: Spring Buck, Todd Cowen, Rich DePaolo, Krisy Gashler, Walter Hang, Roxy Johnston, Todd Messer, Phil Metzger, Craig Schutt, Ed Wilson, Madison Wright
Staff: Katie Borgella, Joan Jurkowich, Kathy Wilsea

Call to Order – The meeting was called to order by Chair Steve Nicholson at 7:06 p.m.

Privilege of the Floor – Walter Hang urged EMC members not to support the monitoring plan developed by WRC and Cornell. The SPDES permit for Lake Source Cooling is in technical review by DEC, and sites 7 and 4 are the heart of the analysis. Under the proposed plan, sites 1 and 4 could be allowed to move. CU hasn't done the before and after impact study required by DEC. Rich DePaolo said paragraph 6 of the joint statement, last sentence says "WRC supportive", yet the plan is dependent upon diverting funding from Cornell's existing monitoring. Establishment of Total Maximum Daily Load (TMDL), as a result of being listed on the 303(d) impaired waterbodies list, is pretty much nowhere. Suggestion would lead to mix and match of data. Lake Source Cooling data gaps can't be filled with other information. He urged EMC not to support the monitoring plan.

Changes to the Agenda -- There were no changes to the agenda.

Resource Conservation & Development – Phil Metzger said he was present because RC&D hopes to get another member from Tompkins County. He handed out copies of their annual report. RC&D is a conservation and rural development agency formed in 1967, now active in 1,200 counties. Counties, individuals and agencies can propose projects. This is a US Department of Agriculture agency with local leadership. He reviewed some of the programs, which include mobile chicken processing units, processing for the statewide Venison Donation Program, Headwaters Youth Conservation Corps, Grazapalooza, holistic management training for farmers, Farmers Market at Your Door, Grasstravaganza, and NY carbon trading education for farmers. Recent projects and those coming up in the near future include communication skill building to help farmers deal with publicity, new grazing technology, researching case studies and data on farms for carbon trading workshops, providing engineering assistance for conservation, and exploring alternative energy. They sometimes partner with Cooperative Extension on education programs. They can address anything involved with conservation and economic development, but have not worked much with 4H and other youth programs. They can work on agritourism, but most success is based on how hard the local county drives the project. Some projects start locally and spread throughout the region. RC&D started because big flood control projects were multi-county, so National Resource & Conservation Service and Soil & Water Conservation Districts wanted agencies that could work regionally. In the 1990s the program changed more toward economic development. Anyone interested in serving on the board can contact Craig Schutt at Tompkins County Soil & Water Conservation District for more information.

The Energy and Greenhouse Gas Emissions (EGGE) Element of the Tompkins County Comprehensive Plan – Katie Borgella, Principal Planner with the Tompkins County Planning Department, was present. TCPD had a public meeting recently on this topic. The Comprehensive Plan was passed in 2004, and staff was not able to include an Energy

component at that time. EMC members Glynn Bebee, Kenny Christianson, and Dooley Kiefer have served on the steering committee for EGGE, along with some members of the Planning Advisory Board. Focus group meetings were held to identify issues and action items, then the public meeting gathered more ideas. She welcomes ideas from all EMC members, by phone at 274-5560 or by email at kborgella@tompkins-co.org. Katie discussed some goals and the status of energy use in Tompkins County, and provided a handout of the project to date. She will visit EMC again in the fall with a draft of the element. Joyce Gerbasi suggested discussing expansion of natural gas lines. Stan Marcus asked if they included the Rancich wind project, and Katie said Mr. Rancich was on a focus group. Peter Harriott asked how substitution of natural gas for coal produced the statistic in the handout, and Katie said in part it was the large numbers of buildings that converted to natural gas, which produces fewer emissions. Dooley asked how transportation will be included, and Katie said this plan needs to focus on what can be done in our County.

Monitoring Plan for the Southern Basin of Cayuga Lake – Joan Jurkovich said this draft monitoring plan was developed by a committee of Water Resources Council members and Cornell University staff. The approach is supported by WRC. It is being brought to EMC for comments, and tonight is the first time it is being presented in a public setting. A public meeting will be held 6/25 at the Tompkins County Public Library. This draft monitoring plan is what the partnership would like to implement if resources were available. It is designed to take advantage of the monitoring programs that are already underway. This plan only addresses the southern basin. Over 50 locations are already being monitored. The plan recommends adding two points at the break of the southern shelf in order to create a transect. As a newcomer to the committee, Joan has found the goals on food web, animal/plant life, clarity, circulation and sediment transport patterns to be very interesting. This additional information would be useful to learn more about the health of the lake overall.

The joint statement was prepared by the committee and has been adopted by WRC, but not by CU yet. This will be going to the Tompkins County Legislature for review and hopefully adoption. The partnership is responsible for oversight of the plan, seeking funding, and posting information for public access. WRC is responsible for communication with the public. CU has been integral in development, and will continue with meeting regulatory compliance requirements.

The partnership hopes to expand to include monitoring of streams. The Cayuga Lake Watershed Network and Cayuga Lake Intermunicipal Organization are working on that goal already. The partnership hopes what they are doing will become a part of the Network and IO objectives. Joan introduced committee members who were present: Gary Stewart (CU Public Relations), Roxy Johnston (WRC), Ed Wilson (Lake Source Cooling Manager), Dooley Kiefer (WRC), Todd Cowen (CU Associate Professor of Civil & Environmental Engineering).

Questions/Comments from EMC members – Joyce Gerbasi: It's marvelous to try to coordinate this, but why interfere with Lake Source Cooling permit to do so? EMC always had questions about the DEC permit for LSC. Joan said in examination of all existing monitoring efforts, LSC is one of the newest programs. Ed Wilson said they realize LSC must comply with their permit. They seek a better-defined plan. This statement may lead to modification of the LSC SPDES permit. Roxy Johnston said WRC began studying this in 2004, and found more monitoring than expected. Mike Miles: What is status of permit? Ed Wilson replied they applied for permit renewal and are waiting for specifics from DEC. Steve Nicholson: In 2004, LSC requested reduction of the number of testing sites, and only wanted to retain #3 and #8. Where does that fit in with the recommendations of the plan? Todd Cowen said DEC wanted before-and-after impact study. Originally, Cornell suggested sites because DEC asked what would be appropriate. CU proposed the eight sites, and DEC agreed and made them part of the permit. Many points yield same test results, and it is thought that circulation patterns are affecting tests. Some sites make sense to continue, some to drop. CU asked to reduce in-lake monitoring for the permit and use funds to examine overall lake health and share information. CU is trying to say we can gather a better set of data. They are not sure of DEC response yet. Herb Engman: On maps 6 and 7, sites are close together. Why suggest not having LSC test there, but suggest it would work if done by other bodies? Roxy Johnston said basic research showed don't need to give up sites, just identify the best organization to monitor each site. Storms and wind effects are not caught by boat samples. Big equipment, like the RUSS (remote underwater sampling station) provide much more data. The City got EPA funding for automated stream water quality information a few years ago, and staff was amazed at the quality of the information. Herb: LSC would come out of the regulatory framework under the partnership's plan. EMC has been involved with review of LSC for many years. There is consistency through long-term collection at the same sites. This proposal is a radical departure from other opinions (Town of Ithaca, City of Ithaca, EMC, County Legislature). We need this information to continue so we can compare it with wastewater treatment and runoff information. Todd Cowen said current monitoring programs miss events. In testing every other

week, random weather patterns affect the results. It's better than nothing, but he would prefer data from storms, runoff, and wind. RUSS units operate 24/7. At some level there has to be trust. Todd said he is not sure how to overcome the fear that he hears. Even if DEC lets CU off the hook, monitoring continues. Trust is needed to improve the system. Any payment for improvements won't be from CU if DEC sits on this. Steve Nicholson: All through this project the EMC wanted to trust, and that didn't work so we don't want to see the enforcement reduced.

John Dennis: A University with \$5.4 billion endowment pleading poverty doesn't impress him. Yes, storms need study. There is need for continued study by the same institution; we need continuity to keep integrity of data. Also, LSC1 would be phased out and replaced with PP1. This moves the test site to a deeper point, and we need to address shallower areas because that is where the waterbody is impaired. Some people feel the soluble reactive phosphate levels are increasing as these waters are brought in. Perhaps the release of the waters should be out further beyond the hypolimnion, a few kilometers up the lake in the non-photoc zone. Combination with outtakes of wastewater treatment plants might work. Joan said this also confused her, but plan suggests retaining two monitoring site nearby, then deciding if data is comparable and which monitoring can be dropped. Cliff Babson: What about the overlapping points? Do the data match? Roxy said they asked the testing entities. Two are using the same points and same methodology. All go through certified labs. Data from John Halfman (of Finger Lakes Institute at Hobart & William Smith) is being used for comparison just to see if our data are unique to Cayuga Lake or part of regional trends. Testing idea touched on by Joan is known as side-by-side. Regarding the impairment classification, there is debate among professionals as to the use of total phosphorus as an indicator of lake health. WRC used some funds from Finger Lakes-Lake Ontario Watershed Protection Alliance for studies with several years of LSC data, and found no correlation. There is lots of monitoring going on in the lake, but no one is looking at total phosphorus except LSC. Comparison among programs shows the integrity of data. The committee doesn't think there is need for four or five groups to monitor the same places if they show duplicate results. Neha Khanna asked if there is confidence in the statistical significance of the data. Todd Cowen said the biggest concern is bias. Site 7 shows trend, and researchers are wondering if the trend differs when tested more frequently. RUSS captures all events. The challenge is when researchers look at two data points with same results. Some scientists want more data. For others, Cayuga Lake is too healthy for research. Amy Risen: If Cornell is not required to perform testing, why would other entities continue? Roxy said there is much willingness to participate, even if there are no permit requirements. Other monitoring entities are taking the monitoring plan to their governing boards for discussion. Todd Cowen said Cayuga Lake is a local laboratory to him, and there is much interest in learning about it. Amy: It's nice to have the "word" of the entities, but she wants to make sure monitoring continues, not just reduce redundancy. Environmental Review Committee will review the plan. Roxy said CU is willing to sign a statement of commitment. Roger Yonkin said he agreed with Amy in questioning what happens if other groups quit testing. Carol Chock asked how long can DEC require testing? Must it be an either/or situation? Could a third of the funding be used to monitor and compile all results and send them to DEC, then use the remaining two-thirds of funds for new things? Roxy said the committee found more testing going on than expected. The partnership might choose to slow down changes or speed up funding solicitation. Ed Wilson said this partnership allows a new proposal to go to the state. He wouldn't be surprised if LSC needs to keep testing, but maybe an in-between position will be established where reductions can be made in the future and resources can be used for something that better serves the community. Dooley Kiefer commented that DEC never stated what they sought. WRC/CU partnership is trying to develop a better system.

Mark Whitmore asked how TMDL is used. Roxy explained it sets goals for reduction of pollutant levels (sediment, phosphorus, pathogens). It's about stream carrying, which means pollutants from ditches, roads, and agriculture fields. If enforced, it would come back on municipalities to meet the reduction targets. Interest in LSC led to some stream monitoring efforts, too, but sediment is natural. Herb said the Ithaca Area Wastewater Treatment Plant phosphorus reduction upgrade cost the three municipal partners millions of dollars and exceeds compliance requirements. Considering how much LSC saves CU in utility costs, Herb doesn't feel \$100,000 expense for LSC monitoring is a serious financial obligation. Ed Wilson said they agreed to use the funds for better purpose.

Comments from Visitors: Rich DePaolo said a numerical threshold was set in secret discussions of EPA and CU in 1999, but DEC was opposed. DEC would have requested further testing above the minimum statutory of two monitoring points for the LSC SPDES permit. It is not that CU magnanimously and altruistically offered to provide testing. Walter Hang said it's pretty clear DEC granted the permit for LSC illegally. The southern end of the lake is mostly impaired. LSC clearly violates a key provision of federal law, and there was long discussion about how DEC could measure the impact of LSC in the middle of an impaired area, and lots of concern that CU got a sweetheart deal in the beginning for monitoring requirements. EPA came up with a landmark, nationally-recognized three point plan to (1) adopt specific criteria to gauge the impact of the project on the lake, (2) conduct a study to extend the pipe off the shelf and send the

phosphorus back down from whence it came to address the algal problem, and (3) to clean up additional sources in the watershed to offset the impact on the lake. This monitoring is connected to all those critical permit issues. This is monitoring to analyze discharge impact of LSC. This is not a program for CU to better understand the lake. The goal of the monitoring has not been met, and so the sites should not be changed. The letter from DEC to CU on August 16, 2004 clearly stated the impact assessment was inadequate, CU had to check sites 7 and 4 with before-and-after impacts, and there were numerous other shortcomings that haven't been done. This plan undercuts the requirements of DEC, which are sacrosanct. Rich DePaolo and Walter met with the new director of DEC and learned DEC is going to be pushing very hard on TMDL for control of non-point source pollution. Roxy said in 2004, WRC requested extension of DEC's existing testing requirements through 3/08 so they could have time to examine the issue. Ed Wilson said CU had not received the letter mentioned prior to press coverage.

Municipal Report – Town of Caroline: Steve Nicholson reported that the Town held a public hearing 6/3 on their proposed stormwater regulations. A project within 50 feet of a wetland or stream or more than a half-acre-size disturbance of land would require a permit. Agriculture is exempt. Disturbances over 5 acres require a stormwater plan. Steve continues to serve on the Town's finance committee for the new office building. Distribution of Caroline Bags and compact fluorescent lightbulbs was successful. These were passed out by volunteers, and included information on use/disposal/recycling of CFL and a survey about household energy use. 15% of the surveys have come back. It is estimated changing to these CFLs will save residents \$7,000 in energy costs. Energy Independent Caroline is looking at putting up a meteorological tower to gather wind data. They received a \$1,000 grant for installation of the wind turbine at Caroline School. Cherry Valley has three wind proposals, with public support being about half and half. Don Barber, Dominic Frongillo and Steve spoke in Cherry Valley in support of wind power.

Approval of Minutes -- The minutes of May 14, 2008 were accepted without changes. Final minutes are available on the EMC webpage: www.tompkins-co.org/emc.

Chair's Report – Steve Nicholson reported that he attended DEC Update Day on Monday in Albany. NYS has a new climate change office with 13 ½ staff slots. Update Day included a presentation on the Emerald Ash Borer. A statewide ban on open burning is being considered again. The annual conference of NYS Association of EMCs will be held October 17-18-19 at St. Lawrence University. The state association will reimburse carpoolers \$50.

Staff Report – Kathy Wilsea said the Carbon Tax resolution from EMC did not pass in PDEQ on 6/10.

Legislature Liaison's Report – Carol Chock reported that, with only three PDEQ members present, the Carbon Tax resolution failed by vote of 2-1. Carol has submitted a request to bring it forward to the County Legislature as a member item on 6/17. Kenny Christianson said he can attend. Roger Yonkin suggested checking with her colleagues to see if there is support. Another way the resolution could proceed to the Legislature is if a PDEQ member who was not present 6/10 brought it up again and it passed in committee.

Member Items – Herb Engman asked if members supported ERC review of the monitoring plan discussed earlier in the meeting. ERC will review it and decide on a letter or resolution, which will then be discussed at the EMC meeting on 7/9 and go to PDEQ on 7/10. ERC will meet 6/23. Kenny Christianson announced a celebration of the Energy Committee's 50th meeting. All EMC members are invited to Stewart Park on 6/24 for a picnic.

Adjournment – Steve Nicholson adjourned the meeting at 9:22 p.m.

Respectfully submitted,

Kathy Wilsea, Secretary
Tompkins County Planning Department

Approved by Council on July 9, 2008